Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Angola under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

I. Introduction

1. The Committee considered the report of Angola (CRC/C/OPAC/AGO/1) at its 2287th and 2288th meetings (see CRC/C/SR.2287 and 2288), held on 16 May 2018, and adopted the present concluding observations at its 2310th meeting, held on 1 June 2018.

2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/C/OPAC/AGO/Q/1/Add.1). The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined fifth to seventh periodic reports submitted by the State party under the Convention (CRC/C/AGO/CO/5-7) and on the report of the State party submitted under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/AGO/CO/1), both adopted on 1 June 2018.

II. General observations

Positive aspects

4. The Committee welcomes the State party's accession to or ratification of:

(a) The Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly, in February 2017;

(b) The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, in September 2014;

(c) The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, in July 2002;

(d) The Worst Forms of Child Labour Convention, 1999 (No. 182), of the International Labour Organization, in June 2001.

* Adopted by the Committee at its seventy-eighth session (14 May–1 June 2018).

5. The Committee welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol, in particular:

(a) The declaration by the State party upon ratification of the Optional Protocol that the minimum age for voluntary recruitment into the armed forces is 18 years and the inclusion of persons in the army of the State party is done upon their reaching 20 years of age;

(b) The endorsement of the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups and of the Safe Schools Declaration.

III. General measures of implementation

Legislation

6. In the light of article 6 of the Optional Protocol, the Committee regrets that the State party has not fully incorporated the Optional Protocol into its domestic legislation.

7. **The Committee recommends that the State party review and amend existing legislation, in particular the Penal Code, on the occasion of its current reform as a whole, and Law No. 25/12 on the Protection and Development of the Whole Child (the Children's Act), in order to comply with the object and purpose of the Optional Protocol.**

Coordination

8. The Committee is concerned about the absence of a body specifically mandated to coordinate the comprehensive and effective implementation of the Optional Protocol throughout the State party.

9. **The Committee recommends that the State party designate a governmental entity with overall responsibility for the effective coordination among ministries and other government entities and partners of activities for the implementation of the Optional Protocol, equip it with the necessary authority and allocate sufficient financial, human and technical resources to allow it to carry out its mandate efficiently at all levels.**

Allocation of resources

10. The Committee is concerned about the lack of specific budget allocations for the implementation of the Optional Protocol.

11. **The Committee recommends that the State party ensure that sufficient and targeted resources are allocated for the effective implementation of all areas of the Optional Protocol.**

Dissemination and awareness-raising

12. The Committee welcomes the information that the State party's Ministry of Justice and Human Rights has published and distributed 1,000 copies of a book on children's rights in which the Convention and its Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict are reproduced along with an explanatory commentary. However, it regrets that the principles and provisions of the Optional Protocol are otherwise not sufficiently known to children and the general public.

13. **The Committee recommends that the State party:**

(a) **Disseminate more widely the principles and provisions of the Optional Protocol among the general public, and among children in particular, especially by involving the media in awareness-raising;**

(b) **Swiftly adopt a national strategy for human rights education, as recommended in the framework of the World Programme for Human Rights**

Education, and ensure that the principles and provisions of the Optional Protocol are prominently featured, including in the compulsory curriculum for conscripts and persons in active military service.

Training

14. The Committee welcomes the training programmes for judges, including military judges, prosecutors, law enforcement officials and correctional services officers implemented by the State party, including those provided with financial and technical assistance from the United Nations Children's Fund (UNICEF) and the European Union. However, it regrets that there is a lack of systematic training on children's rights and the provisions of the Optional Protocol in the course curricula for military and law enforcement personnel, including those involved in peacekeeping operations.

15. **The Committee recommends that the Optional Protocol be systematically included in the training of all relevant professional groups, in particular the armed forces, members of international peacekeeping forces, law enforcement and immigration officers, prosecutors, lawyers, judges, social workers, medical professionals, teachers, media professionals and local and district officials.**

Data

16. The Committee acknowledges the information provided by the State party that 11 children within its territory, who had reportedly been recruited by militias in the Democratic Republic of the Congo, have been registered. It is, however, concerned that there are no comprehensive data on migrant, refugee and asylum-seeking children, including unaccompanied or separated children, who enter the State party and who may have been recruited or used in hostilities abroad or who are otherwise victims of practices prohibited under the Optional Protocol. The Committee is further concerned about the lack of information regarding the use of children in Cabinda Province by armed groups associated with the Front for the Liberation of the State of Cabinda and associated separatist armed groups during the civil war. The Committee is aware that practices such as the abuse of girls as porters, domestic workers or sex slaves are regrettably common in the context of children in armed conflict and notes that the State party denies any knowledge of that within its territory.

17. **The Committee recommends that the State party establish a centralized mechanism for the comprehensive collection of data, disaggregated by sex, age, nationality and ethnic origin, on all children who may have been recruited or used in hostilities by non-State armed groups within its territory and abroad, including asylum-seeking, refugee, migrant and unaccompanied children, with a view to their identification and registration. It also recommends that the State party encourage girl victims of abuse during armed conflict to come forward, and that it provide them with compensation or other services. The Committee requests that the State party provide information on the implementation of this recommendation in its next periodic report.**

IV. Prevention

Age-verification procedures

18. The Committee is concerned about the low birth registration rate, with a considerable divide between urban and rural areas, and is also concerned that the legal requirement for all children to obtain an identification card by the age of 10 is not always implemented in practice, which may lead to under-age recruitment into the armed forces. The Committee is also concerned that, in case of doubt about the age of a person, the State party relies on oral confirmation of the person's age by two witnesses. The Committee notes that psychosomatic tests for age determination as an alternative to documented proof of age are carried out only in Luanda Province.

19. **The Committee recommends that the State party review the procedure of the oral confirmation by two witnesses to verify the age of a person in the absence of**

documented proof of age and ensure that, to determine age, a comprehensive assessment of the child's physical and psychological development is available in all provinces and is conducted by adequately trained professionals.

V. Prohibition and related matters

Criminal legislation and regulations in force

20. The Committee welcomes the fact that the Military Penal Law does not apply to children. The Committee is, however, concerned about the recruitment and use of children above the age of 16 in hostilities by armed forces and non-State armed groups, as well as the recruitment and use of children by private security companies; such practices are not explicitly prohibited or criminalized. The Committee also regrets that the State party has signed but not yet ratified the Rome Statute of the International Criminal Court and is further concerned that the recruitment of children below the age of 15 has not been defined as a war crime in the State party's legislation.

21. **The Committee recommends that the State party:**

(a) **Explicitly prohibit and criminalize the recruitment and use of children in hostilities by armed forces, non-State armed groups and private security companies;**

(b) **Define and punish the recruitment of children under the age of 15 as a war crime, and consider ratifying the Rome Statute of the International Criminal Court without undue delay;**

(c) **Consider ratifying the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), signed in March 2006, but not ratified.**

Extraterritorial jurisdiction

22. The Committee regrets the lack of legislation on extraterritorial jurisdiction over all offences covered by the Optional Protocol.

23. **The Committee recommends that the State party establish and exercise extraterritorial jurisdiction over all acts prohibited under the Optional Protocol, including the conscription or enlistment of children into the armed forces or armed groups and the use of children for active participation in hostilities, when the alleged offender is an Angolan national or a person who has his or her habitual residence in Angola, or when the victim is an Angolan child.**

Extradition

24. The Committee acknowledges the capacity to undertake extradition through special measures and court orders, but regrets the lack of comprehensive legislation on extradition for all offences covered by the Optional Protocol.

25. **The Committee recommends that the State party take steps to enact comprehensive legislation regarding crimes covered by the Optional Protocol and ensure that no dual criminality requirement applies to such matters.**

VI. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

26. The Committee welcomes the protection and assistance provided by the State party, in cooperation with United Nations agencies, to unaccompanied or separated children having entered its territory from the Kasai region in the Democratic Republic of the Congo. It is, however, concerned at the overall lack of effective mechanisms to identify, at an early stage, refugee, asylum-seeking and migrant children, including unaccompanied children,

who enter the State party and who may have been recruited or used in hostilities. The Committee is particularly concerned that the State party has only identified 11 children as child soldiers from the group of almost 32,000 people who have fled the Kasai region and entered the State party. The Committee is also concerned that there are 210 children below the age of 5 in residential shelters.

27. **The Committee recommends that the State party:**

(a) **Put in place mechanisms to identify, at an early stage, refugee, asylum-seeking or migrant children, including unaccompanied children, coming from countries with past or current armed conflicts and who may have been involved in hostilities;**

(b) **Ensure that the personnel responsible for such identification are trained in children's rights, child protection and interviewing skills;**

(c) **Develop protocols and specialized services to ensure that such children are provided with appropriate assistance for their physical and psychological recovery and social reintegration;**

(d) **Ensure that unaccompanied or separated foreign children in the jurisdiction of the State party who have been involved in armed conflict are treated in accordance with paragraphs 54 to 60 of the Committee's general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin. In particular, the State party should consider family-based care, including foster care or adoption, for the 210 children aged under 5 currently living in shelters.**

Assistance for physical and psychological recovery and social reintegration

28. The Committee welcomes the investment by the State party into the demobilization and reintegration of more than 13,000 former child soldiers after the end of the civil war.

29. **The Committee recommends that the State party:**

(a) **Continue with its recovery and reintegration programmes for former child soldiers and ensure that all child soldiers, including those who were not combatants, receive age- and gender-appropriate support to promote their psychosocial recovery and assistance with reintegration;**

(b) **Ensure that child victims of recruitment, including those who are now adults, have access to remedies and reparations, in line with the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.**

Landmines

30. The Committee welcomes the reform of the State party's institutional arrangements for mine action with the creation of the National Intersectoral Commission for Demining and Humanitarian Assistance (CNIDAH) and the National Demining Institute (INAD) in 2002, and the major advances that the State party has made in clearing mines following the end of the civil war. It is, nonetheless, concerned that there are still landmines in all 18 provinces of the State party, in particular in rural areas, which cause unsafe situations, in particular for children, and that there were 44 mine casualties in the State party in 2016, of whom 30 were children, according to information before the Committee.

31. **The Committee recommends that the State party intensify its efforts to protect children against landmines, including by carrying out military, commercial and humanitarian mine clearance programmes, programmes for mine awareness and physical rehabilitation of child victims, and seek technical assistance and cooperation from appropriate international agencies.**

VII. International assistance and cooperation

International cooperation

32. **The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with UNICEF and other United Nations entities in the implementation of the Optional Protocol.**

Arms export and military assistance

33. The Committee welcomes the fact that, in 2017, the State party established the National Authority for Arms Control and Disarmament as the entity responsible for domestic implementation, support and oversight of international treaties and conventions on arms and disarmament. It is concerned, however, that the State party lacks legislation specifically prohibiting the sale or transfer of arms and other forms of military assistance to States in which children are reported to have been recruited or used in hostilities by the recipient State's armed forces. The Committee regrets that the State party has not acceded to the Arms Trade Treaty.

34. **The Committee recommends that the State party:**

(a) **Adopt legislation to prevent the sale or transfer of arms and other forms of military assistance to State parties when the final destination is a country in which children are known to be, or may potentially be, unlawfully recruited or used in hostilities by armed forces or a country that provides direct or indirect support to armed groups that recruit children or use them in hostilities;**

(b) **Consider acceding to the Arms Trade Treaty.**

VIII. Implementation and reporting

A. Follow-up and dissemination

35. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the Ministry of Defence, the Supreme Court and the Supreme Military Court and to provincial and local authorities for appropriate consideration and further action.**

36. **The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.**

B. Next periodic report

37. **In accordance with article 8 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.**